

ELLIOT ENOKI 1528
Acting United States Attorney
District of Hawaii

HARRY YEE 3790
Assistant U.S. Attorney
Room 6-100, PJKK Federal Bldg.
300 Ala Moana Boulevard
Honolulu, HI 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-3752
E-mail: Harry.Yee@usdoj.gov

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

NORTH RIVER INSURANCE COMPANY,
A NEW JERSEY CORP. AND LORINE
Y. OGAWA,

Plaintiffs,

vs.

WILLIAM R. MISTELE, AND
LOREN CRUZADA,

Defendants.

CIVIL NO.
(Civil No. 1RC17-1-4422,
District Court of the First
Circuit, Honolulu Division,
State of Hawaii)

NOTICE OF REMOVAL OF CIVIL
ACTION; CERTIFICATION OF
THOMAS BRADY; EXHIBIT "A";
CERTIFICATE OF SERVICE

NOTICE OF REMOVAL OF CIVIL ACTION

Comes now, Defendant Loren Cruzada, by and through his undersigned attorneys, Elliot Enoki, the Acting United States Attorney for the District of Hawaii and Assistant United States Attorney Harry Yee, and sets forth the following facts on their behalf:

1. On July 3, 2017 a Complaint; Summons was filed by Plaintiffs North River Insurance Company, a New Jersey Corp. and Lorine Y. Ogawa, in the District Court of the First Circuit, Honolulu Division, State of Hawaii. This District Court action is numbered Civil No. 1RC17-1-4422.

2. A copy of the Complaint; Summons relating to the District Court action regarding said Defendants William R. Mistele and Loren Cruzada was provided to the United States Attorney on or about July 14, 2017. A copy of the Complaint; Summons are attached hereto as Exhibit "A".

3. In the Complaint, plaintiff seeks damages arising out of an alleged automobile accident on August 11, 2015, involving Plaintiff Lorine Ogawa, Defendant William R. Mistele, and Defendant Loren Cruzada on the H-1 freeway, just past old Waialae overpass, going westbound toward Honolulu, Hawaii.

4. This notice of removal is filed pursuant to 28 U.S.C. § 1442(a)(1).

5. Defendant Loren Cruzada an employee of the United States Secret Service with the Department of Homeland Security and upon removal of this matter to the United States District Court, the United States of America will substitute the United States of America as the defendant in place of Defendant Loren Cruzada.

6. As noted in the attached declaration of Thomas Brady (designee of acting U.S. Attorney Elliot Enoki) defendant Loren Cruzada was acting within the course and scope of his duties as a Special Agent of the United States Secret Service, Department of Homeland Security at the time of the above-referenced August 11, 2015 automobile accident.

WHEREFORE, Defendant Loren Cruzada gives notice that the above-action now pending against him in the District Court of the First Circuit, Honolulu Division, State of Hawaii, is removed therefrom to this court.

DATED: July 17, 2017, at Honolulu, Hawaii.

ELLIOT ENOKI
Acting United States Attorney
District of Hawaii

/s/ Harry Yee

By
HARRY YEE
Assistant U.S. Attorney

Attorneys for Defendant
LOREN CRUZADA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

NORTH RIVER INSURANCE COMPANY,
A NEW JERSEY CORP. AND LORINE
Y. OGAWA,

Plaintiffs,

vs.

WILLIAM R. MISTELE, AND
LOREN CRUZADA,

Defendants.

CIVIL NO.

(Civil No. 1RC17-1-4422,
District Court of the First
Circuit, Honolulu Division,
State of Hawaii)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that, on the date and by the method
of service noted below, a true and correct copy of the foregoing
was served at their last known address:

By First Class Mail:

Roy T. Ogawa, Esq.
Ogawa, Lau, Nakamura & Jew
707 Richards Street, Suite 600
Honolulu, HI 96813
Attorneys for Plaintiff

//

//

//

//

William R. Mistele
941 Wainiha Street
Honolulu, HI 96825
Defendant

DATED: July 17, 2017, at Honolulu, Hawaii.

ELLIOT ENOKI
Acting United States Attorney
District of Hawaii

/s/ Harry Yee

By
HARRY YEE
Assistant U.S. Attorney

Attorneys for Defendant
LOREN CRUZADA